

EXHIBIT G

Transcript of Proceedings

In re: Uber Rideshare Cases

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 COUNTY OF SAN FRANCISCO
3 BEFORE THE HONORABLE ETHAN P. SCHULMAN, JUDGE PRESIDING
4 DEPARTMENT NUMBER 304

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6 COORDINATION PROCEEDING) No. CJC-21-005188
7 SPECIAL TITLE (Rule 3.550))
8 In Re Uber Rideshare Cases)

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12 REPORTER'S TRANSCRIPT OF PROCEEDINGS
13 HEARING FOR MOTION FOR NEW HEARING DATE TO ENTER PROPOSED
14 COMMON BENEFIT ORDER, MOTION TO BE RELIEVED AS COUNSEL,
15 MOTION TO QUASH DEPOSITION SUBPOENA, and
16 CASE MANAGEMENT CONFERENCE
17 Tuesday, October 22, 2024

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23 STENOGRAPHICALLY REPORTED BY:
24 Angela Pourtabib, CSR No. 13714, RPR
25 JOB NO. 10144932

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1 Tuesday, October 22, 2024 1:30 p.m.

2 PROCEEDINGS

3 ---oOo---

4 THE COURT: Good afternoon, everybody. These are
5 the Uber Rideshare Cases. We have a lot of participants,
6 but may I have appearances, at least, from those from whom
7 I can expect to hear this afternoon?

8 MR. LEVIN: Bill Levin for the plaintiffs.

9 MR. CUTTER: Brooks Cutter for the plaintiffs.

10 MR. CUBBERLY: Walt Cubberly for the plaintiffs.

11 MR. WILLIAMS: John Eddie Williams for the
12 plaintiffs.

13 MR. ATKINS: Robert Atkins for Uber.

14 MS. RUBIN: Jacqueline Rubin for Uber.

15 MS. PHILLIPS: Jessica Phillips for Uber.

16 MR. SHORTNACY: Michael Shortnacy for Uber.

17 MR. SMITH: Kyle Smith for Uber.

18 THE COURT: And please do remember to identify
19 yourself each time for the reporter's sake. Each time you
20 speak.

21 So we have a lot to cover this afternoon. Let me
22 tell you what is on my to-do list and the order in which I
23 intend to cover it. But as always, I will accept friendly
24 amendments to the extent anybody wants to present any.

25 So there is an amended motion to quash a

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1 deposition subpoena as to Plaintiff Jane Doe WHBE 5. The
2 court circulated a tentative ruling on that motion
3 granting the motion, and I want to take that first, if we
4 may.

5 Actually, I'm going to already interrupt myself
6 and change the order. Take it back.

7 There is a proposed common benefit order. I want
8 to take that up quickly. I don't think that will take
9 much time, but let's do that first and then turn to the
10 amended motion to quash. There is, third, the question of
11 the bellwether selection. The court, again, circulated a
12 written tentative ruling selecting four cases and the
13 order of trial and raising certain issues, and that, I
14 think, will probably take the bulk of our time today.

15 And then fourth and penultimate, there is a
16 motion, I think, by Mr. Levin's firm to withdraw as
17 counsel. I'd like to take that up in camera at the very
18 end of the hearing so we can excuse everybody before we
19 take that up. So I guess that is ultimate rather than
20 penultimate.

21 And then, finally, I just have a couple of
22 ministerial matters for the parties with respect to cases
23 that -- add-on cases, essentially. Cases that have been
24 included in these proceedings. And my review of the
25 already quite extensive docket suggests to me I may have

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1 missed a couple, and I just want to ask for your help on
2 that.

3 So let's -- and then, of course, if there are
4 other items.

5 Mr. Atkins, do you want to offer an amendment
6 already? Go ahead.

7 MR. ATKINS: We have an issue pertaining to the
8 applicability of the forum non conveniens decision to
9 about 400 cases. I think the parties are -- I think we're
10 in accord except with respect to maybe 15 or so. And we'd
11 like to be heard on that and hopefully be able to resolve
12 that.

13 THE COURT: All right. Anybody else have
14 anything to add?

15 MR. LEVIN: If we can get while we're all here,
16 perhaps, a report on where we are discovery wise since
17 we're all gathered.

18 THE COURT: Certainly.

19 MR. LEVIN: Okay.

20 THE COURT: Yeah. No, I certainly had that in
21 mind.

22 MR. LEVIN: Okay. Thank you.

23 THE COURT: Thank you.

24 So with respect to the common benefit order,
25 the -- I've reviewed the common benefit order that is in

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1 place and that Judge Breyer entered in the MDL litigation.
2 There was initially a motion to adopt a common benefit
3 order here and then an amended motion with an amended
4 proposed order that I received within the last few days if
5 I remember correctly.

6 I have not, in all candor, had a chance to
7 compare the amended order to the order that was previously
8 proposed, so what I'd like to know are two things.

9 Number 1, Uber, with respect to the previously
10 proposed order, took no position on that, and I'd like to
11 know whether that has changed and, for that matter,
12 whether anybody is opposing the proposed order.

13 And then, second, I'd like just a brief summary
14 if somebody is prepared to give it to me as to what the
15 recent changes were that were made because, as I say,
16 unfortunately, I've had -- I've not had an opportunity to
17 review the most recent version.

18 MR. SMITH: Kyle Smith for the Uber defendants.

19 The Uber defendants are in the same boat as
20 Your Honor. We're reviewing the revised order. I think
21 there was a lot of red lining, if you will, but it was --
22 appeared to be stylistic. But we're still going through
23 it to identify if there's any issues. None identified as
24 yet.

25 I'd be a little bit surprised if there are any to

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1 raise, but we just need a little more time to formulate a
2 position.

3 THE COURT: Okay. I guess what I'm going to
4 suggest, though, just to be very practical here, is that I
5 give you a deadline to do that by which if I haven't heard
6 anything, I will then enter the order because it's
7 something that's important that we get in place. How long
8 do you need for that?

9 MR. SMITH: Would a week be acceptable for
10 Your Honor?

11 THE COURT: That's exactly what I was going to
12 suggest if that's acceptable to the plaintiffs' side.
13 Unless I receive written objections from Uber or, for that
14 matter, any counsel prior to October 29th, assuming that
15 I'm comfortable with it, the order will be entered at that
16 time.

17 MR. SMITH: Thank you.

18 THE COURT: So, Mr. Levin, did you want to tackle
19 whatever the most recent changes are?

20 MR. LEVIN: Yes, Your Honor.

21 THE COURT: Just by way of brief summary.

22 MR. LEVIN: So the principal difference is the
23 original order had 4 percent to be held back for fees.

24 THE COURT: The holdback.

25 MR. LEVIN: And 1 percent for costs.

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1 THE COURT: Right.

2 MR. LEVIN: After negotiations and discussions
3 with MDL leadership, we both in both courts agreed to
4 adjust that to 7 percent holdback for fees and 2 percent
5 costs, which is what's reflected in Judge Breyer's
6 Pretrial Order 19 and now in yours.

7 THE COURT: Got it.

8 MR. LEVIN: The other differences are -- I would
9 call them all administrative, but they didn't exist
10 before. Have to do with how both leadership groups will
11 work together to review common benefit time and identify a
12 common special master to resolve disputes. And the fact
13 that any work done in either forum will count if it's
14 truly common benefit, but that you shouldn't submit it
15 twice. Just once. Simple things like that.

16 And if it would be helpful to Your Honor, we
17 could, during this week, submit something that would save
18 you the trouble of reading everything. Sort of like a red
19 line, but...

20 THE COURT: If it's easy to submit a red line,
21 that would be great. If not, I'm happy to defer, I mean,
22 frankly, to Judge Breyer and to you-all as a group. I
23 take it, though, that what you're representing is all
24 plaintiffs' counsel are on board with this.

25 MR. LEVIN: Well, the two leadership groups are

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1 all on board, and counsel who are not within leadership
2 have gotten a copy of the proposed order and -- within the
3 JCCP and within the MDL, and as far as I know, there are
4 no objections.

5 THE COURT: Okay. Well, I'll just broaden what I
6 said earlier, which is if anybody has any objections,
7 whether it's Uber or anybody else, they have a week to get
8 them to me, and, otherwise, the order will be entered
9 October 29th.

10 MR. LEVIN: And we'll provide a red line. There
11 are a couple of other cosmetic changes. When we did that
12 pretrial order, Judge Breyer's was Number 18, and now it's
13 Number 19. And so I think if it would benefit Your Honor
14 to provide a red line --

15 THE COURT: Actually, so the one that I read is
16 Pretrial Order Number 12.

17 MR. LEVIN: There's a 12 and then a 19. They're
18 companions. They're not -- one didn't supersede the
19 other.

20 THE COURT: I see.

21 MR. LEVIN: They're, like -- we combined the
22 process points and the holdback in one order. They did it
23 in two steps.

24 THE COURT: Got it.

25 MR. LEVIN: Which are now 12 and 19, not 12 and

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1 18. So if you'd like, Your Honor, within a matter of
2 days, we can give you a revised order with a red line.

3 THE COURT: That would be great. Thank you.

4 MR. LEVIN: Okay. Thank you.

5 THE COURT: All right. Well, you know, I'm going
6 to revise my order yet again. Order of items just so that
7 we can get through the quick and easy ones.

8 As the -- and I'm going to go to this question of
9 add-on cases just to, again, elicit some help. Mr. Smith
10 is standing up already.

11 As the case has gone on, as everybody is aware,
12 there have been stipulations and proposed orders regarding
13 add-on cases. Many, many, many of them. I've tried to
14 keep up with them, and in each case, to wait the
15 prescribed period under the Rules of Court to see if there
16 are any objections. And if there are none -- and to date,
17 there has been, I believe, only one -- to then enter the
18 order. And as I prepared for today's hearing, it looked
19 to me like I missed two.

20 You're agreeing.

21 MR. SMITH: Yes, Your Honor.

22 THE COURT: And those appear to be the stip and
23 orders that were filed on April 22nd and May 13 of 2024.

24 MR. SMITH: That's what our records reflect,
25 Your Honor. I have copies if that would be helpful.

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1 THE COURT: So I should enter those orders is the
2 bottom line.

3 MR. SMITH: There were no objections filed to
4 those orders. They were stipulated.

5 THE COURT: That was what I found as well, but
6 I'm just trying to do my job here.

7 MR. SMITH: We appreciate everything Your Honor
8 does in all respects.

9 THE COURT: That was easy. And I have those
10 orders, so I think I can deal with that.

11 Okay. With respect to the amended motion to
12 quash, does Uber want to be heard on the tentative?

13 MR. ATKINS: No, Your Honor. We're going to
14 submit. We're not contesting.

15 THE COURT: All right. Makes my job easier, and
16 makes Mr. Cubberly's job easier.

17 I guess the only thing I would add -- and please
18 regard this as an editorial comment and take it for what
19 it's worth -- is that in cases such as these that involve
20 some sensitivity regarding the alleged conduct, regarding
21 the emotional and physical and psychological state of the
22 plaintiffs regarding the claimed injuries, I think it's
23 particularly important that the court be sensitive to
24 concerns about overbreadth in discovery and that the
25 parties should be mindful of that as well.

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1 I mean, we've all read about so-called scorched
2 earth discovery tactics. I'm not suggesting that's what
3 happened here. But line drawing is important, and I think
4 it's particularly important in these kinds of cases.

5 Hopefully it's not an issue we'll run up against
6 down the road in even more sensitive contexts, but that's
7 the gloss that I just want to proffer for your
8 consideration.

9 MR. ATKINS: The only thing I'd say, Your Honor,
10 is we hear you. We're mindful, and we've been selective
11 and judicious about it. I mean, obviously, we felt this
12 one stood on different ground, but we really -- we have
13 been thoughtful in our -- you know, in our strategies on
14 discovery with that very much in mind.

15 THE COURT: Okay. I accept that. As I say, I'm
16 not attacking anybody. I'm not finger-pointing here. But
17 I just thought it might be worth just adding that
18 observation.

19 Okay. That, then, I guess, gets us to the main
20 event, which is the bellwether ranking. I spent quite a
21 bit of time on this. It's kind of an interesting
22 balancing process where both sides have proposed multiple
23 factors or variables or criteria, whatever you want to
24 call them, for me to consider.

25 And unlike a lot of the work that I do, there is

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1 kind of no recipe book, if you will, that tells me in what
2 proportion those ingredients need to be added or what
3 weight they need to be given. So it's really entirely or
4 almost entirely within my discretion.

5 That said, I do have in mind, and I hope the
6 order reflects this, that, you know, both parties'
7 statements were quite thoughtful. Gave me a lot to work
8 with. And I felt it was important, obviously, to give
9 both sides full input into where I come out here, and I
10 also thought it was important, and I tried as best I
11 could, in the time allotted, to explain my reason.

12 So before we get to the associated scheduling
13 issues -- which, as always, may be the most complicated
14 part of any hearing -- I wonder whether either side would
15 like to be heard with respect to the court's bellwether
16 ranking?

17 MR. CUTTER: We accept the court's tentative,
18 Your Honor.

19 THE COURT: Thank you, Mr. Cutter.

20 Mr. Williams?

21 MR. WILLIAMS: John Eddie Williams for the
22 plaintiffs.

23 Judge, do you have a sense of whether you are
24 going to try one case at a time, or is there a chance that
25 we could consolidate some cases for judicial efficiency?

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1 Have you thought that through?

2 THE COURT: I've thought about it. Nobody has
3 raised it. I think the received wisdom is that these
4 cases are -- like personal injury cases, generally are
5 individual and should be tried as such. But I'm certainly
6 open to talking about anything that anybody wants to
7 raise.

8 There -- as I've suggested at the end of the
9 order, there may well be common evidentiary issues. For
10 example, there may be in limine motions that are common to
11 all four cases or however many we end up trying. There
12 may be other legal issues that it might make sense to have
13 some kind of consolidated hearing about.

14 But I had not contemplated a multi-plaintiff
15 trial if that's what you're asking.

16 MR. WILLIAMS: Yes, sir. Okay. It would -- we
17 think that it would, of course, be very efficient -- more
18 efficient to do that. It turns out that the liability
19 should be pretty much the same. The only thing that would
20 change the liability case would be the date of the event
21 because some things that Uber did or didn't do were post
22 that date.

23 THE COURT: Right.

24 MR. WILLIAMS: So, you know, if we were to try
25 different people together, we would like them probably to

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1 have similar time frames. But I think that there is a lot
2 of efficiency to be gained there if the court would
3 entertain that and think about it.

4 THE COURT: Interesting idea.

5 Mr. Atkins?

6 MR. ATKINS: I think I fall on the side of
7 received wisdom in this instance. I don't think liability
8 is common. I think there are a lot of differences.
9 Causation is substantially different from case to case,
10 depending on what the conduct is. What's the alleged act
11 that was the breach of the duty? Is there some kind of
12 safety feature that they say would have prevented the
13 incident? And we're going to say it wouldn't have. It's
14 going to be different in each case.

15 So, you know, liability is certainly not common.
16 It's the same reason personal injury cases aren't suitable
17 to class action treatment. Those issues aren't common.

18 I think Your Honor's idea that there may be
19 issues -- evidentiary issues, let's say. Maybe even
20 challenges to experts that would run across the cases. I
21 think that's an idea that I think we should collectively
22 pursue.

23 But were the court to consider the notion of
24 multi-plaintiff trials, we obviously would strongly object
25 and expect that to be, you know, a matter for briefing and

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1 argument. If Your Honor is even inclined to consider it.

2 THE COURT: Well, I'm here to consider anything
3 anybody wants me to consider. I think it's -- well, if
4 you-all think that it really makes a lot of sense and you
5 want to bring a motion, then, by all means, I'll hear it,
6 and I'll decide it. But I'm sort of telling you where I'm
7 -- at least where I'm starting from absent some additional
8 information.

9 Did you want to address, from Uber's standpoint,
10 the ranking, or do you want to leave it, as Mr. Cutter
11 did?

12 MR. ATKINS: We're prepared to leave it.

13 THE COURT: Okay.

14 MR. ATKINS: I think we have other issues. I
15 think the plaintiffs want to raise some issues, and we'll
16 address those. But the ranking, we're not going to
17 contest.

18 THE COURT: Okay. I mean, there was another
19 issue that I struggled a little bit with, frankly, and
20 that was whether, as Uber suggested, I should select six
21 cases on the theory that, you know, one or more of these
22 cases may settle or otherwise resolve at the last minute.

23 I do know from speaking with some of my
24 colleagues around the state that's a practice that some of
25 them follow. Another practice that some of them follow

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1 that strikes me as riskier, which I'm reluctant to
2 undertake, but I'll just throw it out as long as we're
3 here to discuss all these issues, is that of setting the
4 first two cases on the same day on the theory that one of
5 them will probably settle. That makes me a little
6 nervous, but I suppose it's another approach that, at
7 least, some judges have taken.

8 It just seemed to me this was the cleanest way to
9 do it. And I had enough trouble balancing and weighing
10 all of these different factors once I got to 1 through 4
11 that I didn't really want to tackle 5 and 6, in all
12 candor. But let's see where we go.

13 Okay. So with that, you know, the issue that I
14 raised at the end having to do with discovery really ties
15 very well into what we've just started discussing. And
16 that is maybe it's too early to know now, but I think it's
17 worth starting to discuss the issue now.

18 What are the common issues that the parties think
19 are likely to be raised in these cases that might lend
20 themselves to some kind of a common resolution before the
21 first of the cases is set for trial?

22 Sort of in thinking about this, I sort of thought
23 about it as if we would be doing kind of a law and motion
24 month before the first trial date. Whether, in fact,
25 there will be such overlapping issues. You know, as

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1 Mr. Atkins suggests, maybe there are evidentiary issues.

2 Or expert issues might be another common issue.

3 Maybe it's too early to say, but my concern in
4 looking at the schedule that you-all proposed -- which
5 admittedly -- well, only Uber proposed, which, at this
6 point, I regard as having been sort of sketched in, in
7 pencil.

8 I was concerned about the expedited briefing
9 schedule on dispositive motions and that, in turn, led me
10 to start thinking about this larger issue.

11 Now, I just circulated this -- yesterday?
12 Yesterday. So you-all probably haven't had a chance to
13 talk with one another about these issues. But I don't
14 know. You're all here. It struck me that it might be
15 useful to at least have you start an informal discussion
16 about your reactions to some of this and then set you free
17 at the end of the hearing to talk to one another and see
18 if you can reach a consensus.

19 Mr. Levin, you're nodding. Do you want to take
20 the first shot?

21 MR. LEVIN: Well, I'm not going into the
22 consolidated trials. There are a lot of issues that are
23 common.

24 THE COURT: Right.

25 MR. LEVIN: And there will be legal issues that

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1 are common. There will be evidentiary issues that are
2 common. And they will take time. Your Honor's time. A
3 lot of time.

4 THE COURT: Yup.

5 MR. LEVIN: And time in the courtroom. And so I
6 think having something that takes cognizance of that now
7 is a -- will be very helpful for everyone.

8 I don't know what happens if the four cases
9 you've selected are resolved, but I do think we --
10 Your Honor's time is a precious resource. And if you have
11 time to try these cases, we should have a plan for what
12 happens during the interim if the cases go away because it
13 would be a shame to not have your availability and the
14 court's availability as currently scheduled and
15 contemplated.

16 And we think we can do that because the corporate
17 discovery is what's the most time-consuming.

18 THE COURT: Right.

19 MR. LEVIN: And that's going to be ongoing no
20 matter what. So that's my initial thought.

21 MR. ATKINS: At the risk of repeating myself, I
22 think that it makes sense to think about perhaps there are
23 common evidentiary issues. I could imagine in limine
24 motions perhaps. I think they will likely seek to
25 introduce evidence regarding Uber that we will object to.

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1 You know, historical facts, some of which were in the
2 pleading that Your Honor struck. Some you didn't.

3 So I think there's going to be litigation of
4 what's going to be admitted. That's just one example.

5 THE COURT: Yup.

6 MR. ATKINS: So I think it makes a lot of sense
7 to put time aside. What exactly we would do -- and I
8 confess to having not, you know, thought it through.
9 Certainly not to the end.

10 THE COURT: What about -- again, this is sort
11 of "I'm not going to hold you to it" mode; okay?
12 Dispositive motions. I frankly thought when I -- well, I
13 had a question -- let's put it this way. I had a question
14 mark when I saw it. Are there really dispositive motions
15 here that would knock out one or more claims, or don't all
16 these claims, sort of by their nature, raise questions of
17 fact that are going to have to be decided at trial? What
18 would that look like do you currently anticipate?

19 MR. ATKINS: I can -- I do anticipate that we
20 will have -- that there will be facts admitted by
21 Plaintiffs such that there's no dispute that go directly,
22 for example, to an issue of causation. In a particular
23 case. Not across the cases.

24 THE COURT: Right.

25 MR. ATKINS: So there may be undisputed facts

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1 that we say entitle us to judgment as a matter of law.

2 THE COURT: I.e., it wouldn't have made a
3 difference to me had such and such a proposed safety
4 feature been adopted because of the way that the events
5 unfolded?

6 MR. ATKINS: Right. A good example is some
7 feature inside the car when what happened was far outside
8 the car after the ride, after the app is off. Just by way
9 of example.

10 THE COURT: Got it.

11 MR. ATKINS: So I think there are sort of case
12 specific motions. There may be issues about legal
13 questions about the duty of care and those sort of things
14 that might cut across.

15 THE COURT: Okay.

16 MR. ATKINS: So I think we should anticipate that
17 there will be individualized motions.

18 THE COURT: Okay. Well, it's early days
19 comparatively. But I do think it's worth you-all talking
20 about this and, in particular, thinking about scheduling.
21 And I am -- you know, I appreciate the remarks about the
22 high value ascribed to my time. That is one of the
23 reactions that I had to the briefing schedule, was it not
24 only looked demanding for you-all, but it looked demanding
25 for me if I'm getting a reply brief four days before a

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1 hearing on something that is potentially case dispositive.

2 And it's not like the rest of my docket goes away; right?

3 So that was part of the reason for that comment.

4 But as I said in the tentative, I don't

5 anticipate, obviously, adopting any arbitrary deadlines at

6 this point before you-all have had a chance to kind of

7 thrash this through.

8 And it may be -- depending on how discovery goes,

9 it may be that what you end up suggesting is a more

10 extended dispositive motion briefing schedule. A more

11 extended sort of pretrial motion schedule. Whether it's

12 in limines, or it's Sargon. Whatever it is. On common

13 legal issues.

14 And then have jury selection in Case Number 1

15 start a bit later than we've already slotted it in.

16 Indeed, that may be kind of inevitably where this all goes

17 depending on how quick you are on the discovery.

18 So my schedule at this point remains what I told

19 you before, which is that these cases are set for trial

20 beginning in mid-May. And at the moment, I don't have

21 anything else on my trial calendar until October. That is

22 not necessarily going to remain the case.

23 But I do need to know -- and here is a question

24 that I'd like everybody's best answer to today. Again,

25 recognizing that it's hard to know. A rough estimate for

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1 how long you think each of these individual trials is
2 going to take. Because without knowing that, I don't know
3 how much time to block out on my calendar.

4 Mr. Williams, you got up first.

5 MR. WILLIAMS: Judge, obviously, the first one
6 will take longer than the rest of them. With that, we've
7 caucused amongst ourselves for the plaintiffs' side, and
8 best guess is 12 to maybe 15 days at first, and maybe ten
9 trial days later.

10 THE COURT: Okay. Want to take a guess,
11 Ms. Rubin?

12 MS. RUBIN: Your Honor, we were, I think,
13 somewhat close. We were saying two to three weeks. So 10
14 to 15 days. And I think at this point, that's probably
15 the best we can give you.

16 THE COURT: Okay. That's fair enough.

17 My -- I haven't had a lot of lengthy trials in
18 this courtroom. The nature of the docket here is that
19 most cases -- not all of them, but most of them resolve.
20 My tentative inclination would be to be in trial four days
21 a week with Fridays dark so that I can handle other
22 matters on my docket. But that's subject to negotiation
23 with you-all, and if that seems objectionable, we can talk
24 about that.

25 You know, two to three weeks is -- it's not eight

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1 weeks or 14 weeks, so it's easier to deal with.

2 MR. CUTTER: I think the other thing, Your Honor,
3 we wanted to take up was you reminded us of the
4 September 5th, 2023, scheduling order.

5 THE COURT: Right.

6 MR. CUTTER: And we certainly think that the --
7 you know, there can be overlap. We agree with the court's
8 suggestion about following the code, obviously, in the new
9 statute on summary judgment briefing. So backing that up.

10 But also, we think that the fact discovery
11 deadline needs to come -- be extended, particularly as we
12 try and coordinate with the MDL on some of these
13 depositions. So it should go from January 15th out at
14 least 30 days and maybe 45.

15 And, similarly, expert disclosure should slide a
16 little bit too. We don't need it that quickly.

17 THE COURT: Well, I anticipate -- maybe I'm
18 wrong. I anticipate you're not going to get much pushback
19 from the other side of the courtroom on those suggestions.
20 But they are part and parcel of what I'm suggesting the
21 parties meet and confer about.

22 And if you want to come back to me with a
23 proposed revised scheduling order or whatever you want to
24 call it, I'm happy to entertain that. I think that makes
25 a lot of sense. There are a lot of moving pieces here,

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1 and it's a little bit difficult to figure out how to make
2 them all work together.

3 MS. RUBIN: Your Honor, as you think that -- I
4 mean, we obviously haven't had a chance to talk together,
5 and I think if the parties can meet and talk about the
6 schedule, we'll be able to come back to you with something
7 that's a little bit more overarching and complete.

8 THE COURT: Good. Okay.

9 MR. LEVIN: Your Honor, I do have one suggestion
10 as I've listened to this. I think we could all benefit,
11 perhaps, from having a -- confer and have a session with
12 you where we sort of round table what really the motions
13 are going to be.

14 Just to give you an example, Mr. Atkins'
15 dispositive motion example -- I don't -- I'm not going to
16 argue the merits of it, but our position would be it
17 doesn't matter whether it happened inside or outside of
18 the car because the camera is a deterrent, and the camera
19 will have a record of whether the ride went as it was
20 supposed to be, and people won't necessarily commit these
21 acts if they know there's an operating camera recording
22 their absence from the car.

23 But, anyway, that's just an example. So I don't
24 want the court, because of your time and resources and all
25 of our time, to just get, like, a lot of motions without

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1 us having to discuss them among ourselves and maybe even
2 informally with Your Honor so that whatever briefing month
3 or whatever it is, is really focused on what we really
4 need to do.

5 THE COURT: I think that makes all the sense in
6 the world, and I can't imagine you're going to disagree,
7 Mr. Atkins.

8 MR. ATKINS: I would never refuse to speak to
9 Mr. Levin. Whether we would agree is a different
10 question.

11 THE COURT: Fair enough. Or to me, I take it.

12 Yeah. No, I'd be happy to do that. I think that
13 makes a lot of sense. I have a lot to learn here. I
14 mean, I dealt with the pleading issues and various
15 procedural issues, but, you know, we're getting close to
16 the time where I'm going to have to start -- I'm going to
17 have to start dealing with some of the merits issues, and
18 I'm going to look to you-all to educate me on those.

19 And I can certainly anticipate there will be
20 difficult issues to be tackled. I've already seen that --
21 well, I'll leave it at that.

22 What I was going to say is I've already seen some
23 of Judge Breyer's orders, and I have enormous respect for
24 Judge Breyer, and I can already anticipate that, you know,
25 there are likely to be common issues that arise in both

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1 courts. And I may be looking to see what he says. I
2 don't think he's going to be looking to see what I say,
3 but -- so there is plenty of room for discussion here.

4 Okay. Is there more -- well, just to flesh it
5 out, Mr. Levin, you suggested that we talk at least
6 briefly about where things stand on the discovery front,
7 and that would be useful to me to understand, at least, by
8 way of background for any later scheduling discussion that
9 we have. Do you want to take a shot at surveying the
10 landscape?

11 It looks like a number but not all of the
12 plaintiffs in the bellwether discovery pool have had their
13 depositions taken.

14 MR. LEVIN: I think that's true, but I don't
15 think that's going to cause any scheduling problems. I
16 think we'll get them all --

17 THE COURT: No. It's all the documents and the
18 corporate stuff.

19 MR. LEVIN: The documents -- they have produced
20 265,000 documents. They continue to produce documents.
21 There's documents that are being produced to the MDL also.
22 That's an ongoing process, but I don't believe we need the
23 court's assistance at the moment.

24 Depositions -- and Mr. Abramson has been the
25 central person as a member of both leadership groups on

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1 trying to coordinate the depositions. And without being
2 critical of Uber, who I think is trying to get dates for
3 the deponents, the simple fact is that we've taken part of
4 three depositions in a universe where we could debate the
5 final number, but the final number is much higher than
6 that. And at the current pace of, you know, one a week, I
7 don't see where we get where we need to be.

8 And I realize they're balancing their schedules
9 and the witness schedules and travel and all the rest of
10 it. So it's not a criticism, but we do need a faster
11 pace, and we may need Your Honor's help to get there.

12 I don't know if you have anything to add to that.

13 MR. ABRAMSON: Yeah, I can add.

14 You can respond to --

15 MR. ATKINS: I just want to respond to --

16 THE COURT: Well, I'll hear from Mr. Abramson
17 first, and then you can respond to both of them.

18 MR. ABRAMSON: Okay. So just a couple issues.
19 And, again, talking just about kind of general corporate
20 discovery as distinguished from case specific.

21 THE COURT: Right.

22 MR. ABRAMSON: So as Mr. Levin said, we've taken
23 parts of three depositions. There are eight other
24 depositions that are currently set with dates that are
25 defined. There are --

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1 THE COURT: In 2024?

2 MR. ABRAMSON: In -- well, in 2024 or before the
3 current discovery cutoff of January 15.

4 THE COURT: Right.

5 MR. ABRAMSON: There are seven other witnesses
6 who we've sent notices to. We are waiting on -- we
7 proposed dates more as placeholders to try to work with
8 Uber to find dates.

9 For four of those, we're waiting on dates. For
10 three of them, just to flag other issues for Your Honor,
11 they've raised apex related issues. That gets into the
12 kind of scheduling crunch with apex type arguments, as you
13 might imagine. So flagging that for Your Honor.

14 We're supposed to meet and confer tomorrow.
15 Mr. Smith and I talked even before this hearing. So we're
16 having an ongoing dialogue about that, but flagging it for
17 you.

18 We also have sent yesterday six PMK notices. I
19 think that Uber would probably -- we tried to make them
20 topic focused. So there's a PMK on stats. There's a PMK
21 on the safety report. There's a PMK on deactivation
22 policies. And as you might imagine, within each PMK,
23 there are several topics.

24 We didn't even propose a date. You know, the
25 thought was, "Here are the notices. Let's meet and confer

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1 about them. Let's talk about topics. If there is some,
2 you know, argument about the -- whether a particular topic
3 is ripe or, you know, can go forward, you know, we can
4 talk about that, and we're willing to."

5 But we wanted to give those plenty of time so we
6 could get those set. So that's going to be of primary
7 importance.

8 I don't know if there's going to be issues with
9 that, but I wanted to flag that for Your Honor so that you
10 knew that those PMKs were out, and we're going to need to
11 get those taken care of before the discovery cutoff.

12 THE COURT: I suppose it's possible that some of
13 the -- once you-all thrash out the topics, that some of
14 the PMK witnesses may overlap with the other witnesses
15 whom you've already noticed for deposition. That might
16 boil some of this down a little bit.

17 MR. ABRAMSON: Absolutely. And we're willing to
18 talk to them about that. We just gave them the topics
19 yesterday, so it's not to put them on the spot about that
20 because I'm sure they haven't even had time to look at
21 those.

22 But, yeah, the idea is if there are certain
23 witnesses who can cover certain topics, we can take them
24 individually and in their corporate capacity at the same
25 time to try to make it more efficient.

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1 THE COURT: Good.

2 MR. ABRAMSON: The other issue to flag is
3 coordination. So as Mr. Levin said, I am in leadership in
4 both litigations, and I think all parties really have been
5 trying to work to coordinate these depositions. The primary
6 issue right now is really not involving the JCCP. It's
7 involving Uber and the MDL.

8 And the dispute is about privilege logs
9 primarily. I'm not saying there is not other issues, but
10 the privilege logs that Uber has produced for deponents,
11 without going into the merits of them, they're voluminous,
12 and there are a lot of challenges from the MDL as to
13 privilege issues.

14 In the MDL, without a trial deadline looming, is
15 not of the mind that they want to move forward with
16 depositions prior to getting those issues worked out and
17 resolved by Judge Cisneros or Judge Breyer.

18 Whereas, in our situation, taking Your Honor's
19 guidance from the last time, we need to plow forward. If
20 privilege issues come up and are de-designated, we'll come
21 back and revisit it, and maybe we get some more time with
22 those documents. We figured, you know, we're just doing
23 the best -- everyone is doing the best they can with their
24 time.

25 THE COURT: I'm sorry to interrupt. Are there

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1 trial dates set at this point in the MDL?

2 MR. ABRAMSON: There are not.

3 THE COURT: That's what I thought. Okay. I have
4 looked at the website occasionally, but --

5 MR. ABRAMSON: Yeah. So there are not currently,
6 but -- so for coordinating depositions, right now, these depositions,
7 while we're, the JCCP, open to coordinating any of these
8 depositions if those issues can get worked out, what we're not
9 open to doing is pushing back these dates that may impact
10 our ability to move forward with trial dates.

11 And the MDL is very understanding of that. And
12 so we have been -- these last few depositions have been JCCP
13 only. The ones that are set, at least, right now, they
14 may be coordinated. They may not. It's going to largely
15 depend on whether the MDL and Uber are able to work out
16 these privilege issues so that the MDL is comfortable
17 moving forward with these depositions at this time before
18 getting all the documents they feel they're entitled to.

19 So just flagging that. I don't think it's an
20 issue right now because we do have dates, and, hopefully,
21 we're getting more dates, but I know it's something we've
22 all been trying to work towards and haven't -- just
23 haven't gotten there for a variety of reasons.

24 THE COURT: Do you-all have a status conference
25 coming up with Judge Breyer or Judge Cisneros where some

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1 of these issues might get surfaced?

2 MR. ABRAMSON: There is a hearing with
3 Judge Cisneros tomorrow. Mr. Shortnacy would probably
4 know better than I do if that's going to be discussed --
5 if those issues are going to be discussed tomorrow. I
6 think they are.

7 MR. SHORTNACY: I expect they will, Judge. They
8 were in the joint status report we submitted to
9 Judge Cisneros.

10 MR. ABRAMSON: So those issues will hopefully get
11 flagged and worked out, and to the extent that they can
12 get worked out in time, we can coordinate. If they will.
13 If they can't, then we won't.

14 So that's kind of where we are on discovery
15 unless you have any other questions.

16 THE COURT: I want to hear from Mr. Atkins, but
17 other than that, thank you.

18 MR. ATKINS: I don't think we're terribly far
19 apart. I just might put it a slightly different way. So
20 there are -- with respect to every notice we've received,
21 save for the PMQ, which came in last night --

22 THE COURT: Right.

23 MR. ATKINS: -- or PMK. We have -- they either
24 have been taken, will be taken, have been scheduled, or a
25 couple where we owe them dates. And then, as Mr. Abramson

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1 said, there are a couple we're going to move on apex
2 grounds.

3 But every notice that we've gotten for a person
4 has been teed up for a deposition. Or it's already
5 happened. So we're in good shape there.

6 With respect to the MDL, it's disappointing
7 because we worked very hard to coordinate them, and then
8 at the last minute, over the last couple weeks, we heard
9 from the MDL that they're not going to show up. We had
10 booked two days for all these witnesses, which took a lot
11 of effort to find two days that worked, and we suddenly
12 got a letter saying, you know, "We're not going to show
13 up."

14 So they've sort of, you know, decoupled,
15 de-coordinated, and we will deal with that.

16 But we are making progress with the JCCP lawyers
17 and leadership, and we've had one-day depositions of seven
18 hours, and it's been effective and productive. And, you
19 know, in my point of view, those depositions are done.

20 And we'll deal with the MDL leadership if and
21 when they decide they're ready to take depositions. We'll
22 have -- obviously, you know, we have issues there. We
23 have objections there. We're obviously having this tussle
24 about documents.

25 But just so I wanted Your Honor to understand, we

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1 have been operating on a coordinated basis, but not
2 necessarily with a partner. And it's unfortunate. And,
3 you know, they have a different agenda, different
4 approach.

5 But in terms of the JCCP, everything is underway,
6 and I expect to tee up these apex motions either next week
7 or the week after. Just a couple.

8 THE COURT: Okay.

9 MR. ATKINS: Okay. Thank you, Your Honor.

10 THE COURT: Are there -- so the other issues on
11 my list that we were going to talk about were the
12 forum non conveniens issue and then the motion to withdraw
13 as counsel, but before I go to those, are there other
14 issues that either side wants to raise or think it would
15 be productive to discuss at this point?

16 MR. LEVIN: Well, I tried to allude to it earlier
17 with Your Honor's schedule, timing, resources, and the
18 like. I think we should have a plan for what happens in
19 May when Your Honor is ready to try a case and we've
20 resolved all these MILs and evidentiary issues, if, for
21 some reason -- either on a dispositive motion or a
22 settlement -- we don't have four or we don't have three or
23 we don't have two, I mean, we do now have half a year to
24 identify replacements. And we have not -- we don't have a
25 plan in place for that. We don't have a disagreement

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1 about a plan.

2 But I do think both sides are cognizant of the
3 fact that we should have something in place that will tell
4 everybody what happens in May if, for some reason, one or
5 more cases disappears.

6 And Your Honor has the summer, and the lawyers
7 have the summer, and we have rulings on legal issues, and
8 we're ready to go, it would be -- it would not be a good
9 thing, from our point of view, if the reason we're not
10 ready to go is because there isn't a plaintiff who has
11 been deposed, for example.

12 THE COURT: Well, so, I mean, that raises a
13 couple of possibilities; right? One is that I do select,
14 you know, cases 5 and 6 as sort backups here so that those
15 would rise in the ranking in the event that 1 and 2
16 resolve, hypothetically, and then you'd know where to go.

17 The other possibility, I suppose, would be
18 advancing trials. Some of that's going to depend on the
19 availability of witnesses.

20 But to the extent, for example, there are
21 overlapping experts, presumably, the experts could make
22 themselves available. The larger question might be
23 percipient witnesses or the plaintiffs themselves.

24 I mean, if both sides want me to. As I say, I
25 sort of ran out of steam trying to balance your respective

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1 submissions, but if you want me to, I can pick cases 5 and
2 6, and then we'll just know. And maybe that would solve
3 the problem.

4 MS. RUBIN: Your Honor --

5 MR. CUTTER: I mean, I think the -- I think the
6 important principle the court establishes is if one of
7 Plaintiffs' picks is resolved or dismissed, then we
8 replace it. Nominate replacements. The defense nominates
9 if one of their picks is dismissed; right?

10 THE COURT: Yeah, although, I suppose,
11 hypothetically -- right? -- picks 1 and 3 right now are
12 Plaintiffs' picks. What if cases 1 and 3 resolve? Then
13 what do we do? I mean, I haven't thought these issues
14 through, frankly.

15 MR. CUTTER: We would replace those.

16 THE COURT: It depends on when; right? And, you
17 know, part of Uber's point, I think, was to say, "Gee, if
18 we don't prioritize discovery on hypothetical cases 5 and
19 6 now, then if the case resolves on the courthouse steps,
20 we won't be ready to go on cases 5 and 6 because we don't
21 even know which ones those are."

22 (Reporter clarification.)

23 THE COURT: I'm sorry. Is somebody who is
24 appearing remotely speaking? If so, please identify
25 yourself.

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1 MR. CUTTER: I think they muted themselves.

2 THE COURT: Okay. I mean, maybe this is worth a
3 couple more minutes discussion because it's a potential
4 problem, and it's not a purely hypothetical one. It
5 happens; right?

6 MR. ATKINS: Right. The challenge is -- I think
7 this is what you're getting at -- is what 5 and 6 should
8 be. If you want to call it the alternates --

9 THE COURT: Right.

10 MR. ATKINS: -- will depend on what cases, if
11 there are any, get resolved. Because I think Your Honor
12 and the parties to some extent are trying to get a
13 representative spectrum of cases.

14 So, you know, let's just call it type A gets
15 resolved; right? Substituting type C may not really serve
16 the purposes of bellwethers.

17 THE COURT: Right.

18 MR. ATKINS: So it's not obvious that what
19 Your Honor should do is simply pick, you know, two more
20 because they may not be the right mix. So what I would
21 suggest at the risk of trying to dodge Your Honor's
22 question is that we spend some time together thinking
23 about it. Maybe we can come up with a joint approach.
24 Maybe we can, and submit it to Your Honor for
25 consideration. It's not a today issue.

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1 THE COURT: Okay. Fair enough.

2 Other issues before we go to the forum non

3 conveniens problem?

4 MR. LEVIN: I don't think so, Your Honor.

5 THE COURT: Okay. What is the problem, and how

6 are we going to decide it?

7 MR. SMITH: Kyle Smith for the Uber defendants.

8 There is not much of a problem from our point of

9 view. There were about 400 cases that involved incidents

10 outside the state of California which came into this

11 coordinated proceeding after Your Honor's rulings on forum

12 non conveniens.

13 THE COURT: Okay.

14 MR. SMITH: And the stipulated procedure was

15 everyone would get together once the appellate process is

16 done and determine, you know, whether there's a

17 stipulation that the prior rulings govern those cases or

18 not.

19 We've undertaken to confer with Mr. Cubberly and

20 made, I think it's fair to say, reasonable progress in

21 identifying about -- I'll call it 380 or so of those cases

22 where there's no argument that Your Honor's rulings

23 wouldn't govern.

24 There are 15 or 20 or so cases where Mr. Cubberly

25 has asserted, "Well, this plaintiff is actually -- was or

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1 is now a California resident even though the incident took
2 place elsewhere," and so there may be a point of dispute
3 about whether Your Honor's analysis actually controls in
4 that circumstance.

5 I think in the end, there might only be a couple
6 cases where we really can't find agreement, but be that as
7 it may, it's sort of a maximum universe of about 20.

8 So what Uber proposes is to submit to Your Honor
9 the list of the -- call it the 380 where there's been no
10 ground for disputing the applicability of the order
11 articulated and ask Your Honor to enter an order deeming
12 the earlier rulings applicable to those cases.

13 And we would assume that would be an unopposed
14 application. I haven't heard --

15 THE COURT: Why don't you just make a joint
16 stipulation and proposed order and then there's no
17 question about it?

18 MR. CUBBERLY: Judge, we will not stipulate to a
19 dismissal. If the court orders it, that's one thing. But
20 that's one of the lessons we learned on this appeal. I
21 can't stipulate to that.

22 THE COURT: Well, there was a prior stipulation,
23 which the Court of Appeal read pretty clearly, disagreeing
24 -- I recognize disagreeing with your position on appeal,
25 but there's now law of the case on this.

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1 MR. CUBBERLY: Understood, but what I'm saying is
2 if the court orders it, the court orders it. I don't want
3 to stipulate to a dismissal of my client's case is all I'm
4 saying.

5 THE COURT: Okay. Well, can you at least agree
6 on the -- if it's 380, the 380 cases that fall within
7 certain criteria and then leave it to me to order what
8 happens to them?

9 MR. CUBBERLY: We can.

10 THE COURT: I'm happy to give you that leeway.

11 MR. CUBBERLY: Thank you.

12 THE COURT: I understand the concern.

13 MR. CUBBERLY: Okay.

14 MR. SMITH: So with that in mind, we'll plan to
15 get a submission to the court on the 380. We'll continue
16 conferring with Mr. Cubberly on -- call it the 20. Try to
17 whittle that down, ideally, to 0. There may be a few
18 cases with fact patterns that no one can really agree on
19 how the court's prior rulings are going to apply to them
20 or not. They may be matters that need to be -- just be
21 set off to the side given everything that's happening with
22 getting ready for trial.

23 But that was our proposed plan for dealing with
24 that part of the docket.

25 THE COURT: Okay. All right. That sounds

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1 reasonable to me.

2 MR. CUBBERLY: Do you want to hear from me,
3 Your Honor, on this?

4 THE COURT: I thought I just did. I'm sorry.

5 MR. CUBBERLY: Okay. There are 12 -- there are
6 about, I think, 12 cases, maybe 15, that we think may not
7 -- that the court hasn't dealt with yet.

8 THE COURT: Okay.

9 MR. CUBBERLY: Of these; okay? For various
10 reasons. I think it was, like, two Venn diagrams with
11 some overlap between the two circles.

12 THE COURT: All right.

13 MR. CUBBERLY: What I don't know from Mr. Smith
14 yet is whether Uber will consent to them being back in the
15 JCCP and agree with us or not. I think Uber hasn't taken
16 a position yet.

17 But I do think with respect to those 12, the
18 court may need to take that up at some point and whether
19 they are subject to the court's earlier evidentiary
20 motions.

21 MR. SMITH: I can address them right now,
22 Your Honor. I think there's 13 cases on the list we
23 received from Mr. Cubberly. 11 of them were already the
24 subject of the court's February 2023 order. They're in
25 the list. They're already governed by an order the court

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1 already entered. So no dispute on those 11.

2 There are two that were not in that bucket where
3 Mr. Cubberly has said the facts are a little bit
4 confusing. There's -- the plaintiffs' residency situation
5 is different. Those are the two that we're drilling down
6 on.

7 I've been assuming Mr. Cubberly is not going to
8 somehow seek to take 11 cases that are in an order already
9 out of an order. I haven't heard otherwise, but maybe
10 he's saying that now. If he takes that position, we
11 certainly disagree, and I wouldn't think it would be a
12 matter that takes much time to deal with.

13 But as far as I can tell, with Mr. Cubberly's
14 clients, we're down to the two cases where the factual
15 issue about where they live is coming up.

16 MR. CUBBERLY: I am saying that, Your Honor. So
17 the court knows, we filed these people in the MDL. Uber
18 has said, "Look. These are California residents. They
19 live in California. There is not subject matter
20 jurisdiction."

21 THE COURT: There is not what?

22 MR. CUBBERLY: Subject matter jurisdiction.

23 THE COURT: Okay.

24 MR. CUBBERLY: So what we're saying is, "Well,
25 these are all California residents. They live in

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1 California. Some of these people lived in California and
2 were California residents at the time they were
3 assaulted."

4 So, for example, they were in college in another
5 state but California residents, or they just went to
6 another state for vacation.

7 The second part of the Venn diagram would be
8 these are people who do not have an adequate alternative
9 forum because under Stangvik, the statute of limitations.

10 So the court has addressed neither of those two
11 factual scenarios in the previous forum non conveniens
12 order, so I think the court hasn't considered those 11,
13 and they should come back for the court's consideration on
14 those.

15 THE COURT: All right. Let's do this. I'm
16 obviously not in a position to decide anything today.

17 MR. CUBBERLY: Understood.

18 THE COURT: Let's talk in a minute about when
19 we're next going to meet, and to the extent that there
20 is -- you-all meet and confer and you can't reach a final
21 resolution as to some number of cases -- whether it's two
22 or 20 or something in between -- why don't you talk about
23 how you want me to try and resolve that, and we can talk
24 about that?

25 MR. CUBBERLY: Fair enough, Your Honor.

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1 MR. SMITH: Thank you, Your Honor.

2 THE COURT: So unless somebody else has something
3 else, I think the last thing remaining on my list was to
4 talk about the motion to withdraw as counsel. I want to
5 do that in camera and excuse everybody else, but before we
6 do that, we should talk about when we next meet.

7 And maybe with your leave, we can go off the
8 record to spare the court reporter having to transcribe my
9 calendar over the next couple of months, and I can talk to
10 you about what some of my time constraints are if that's
11 all right with everybody.

12 Hearing no objection.

13 (Recess taken.)

14 THE COURT: After a brief discussion with counsel
15 off the record, the court, with everybody's consent, is
16 setting the next case management conference for
17 December 20th at 1:30 p.m. Pacific time. The hope is that
18 by that time, the parties will have met and conferred
19 regarding some of the scheduling issues that we've
20 discussed today, including a possible amendment to the
21 existing scheduling order, a possible revised -- I won't
22 call it revised, but a possible pretrial schedule that
23 will take into account dispositive motions in limine or
24 other common issues that may arise in the cases selected
25 for trial and the like.

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1 And I've also committed to counsel that to the
2 extent there are at that point remaining -- well, there
3 are ripe discovery disputes that need to be addressed by
4 way of an informal discovery conference, I'll make every
5 effort to accommodate you in that regard.

6 MR. ATKINS: The other thing I'd add is, you
7 know, I now know at this point we're going to be making
8 apex motions.

9 THE COURT: Right.

10 MR. ATKINS: And so, obviously, we defer to the
11 court in terms of the calendar for that. We'll try to get
12 those teed up as quickly as possible, like I said. But
13 that will -- that's something that will have to be
14 decided, I presume, by the end of the year, but that's --

15 THE COURT: Well --

16 MR. ATKINS: -- in the court's hands.

17 THE COURT: This may be overly ambitious, but if
18 you already know what they are, Mr. Abramson has already
19 indicated that there are three deponents in question who
20 may be subject to such motions. If you can get that on
21 file for hearing on December 20th, I'll make every effort
22 to decide it. There's going to be a lot of caffeine
23 imbibed for the next one.

24 MR. ATKINS: That makes a lot of sense.

25 THE COURT: Okay. All right. Anything else that

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1 anybody would like to raise?

2 MR. CUTTER: Thank you, Your Honor.

3 THE COURT: Thank you-all. It's always a
4 pleasure.

5 And, Mr. Levin, please remain.

6 (The proceedings were adjourned at
7 2:34 p.m.)

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COURT REPORTER'S CERTIFICATE

STATE OF CALIFORNIA)
) ss.
COUNTY OF MARIN)

I, ANGELA POURTABIB, hereby certify:

I am a duly qualified Certified Shorthand
Reporter in the State of California, holder of Certificate
Number CSR 13714 issued by the Court Reporters Board of
California, and which is in full force and effect.

I am not financially interested in this action
and am not a relative or employee of any attorney of the
parties, or of any of the parties.

I am the reporter that stenographically reported
the testimony in the foregoing proceeding and the
foregoing transcript is a true record of the testimony
given.

Dated: October 23rd, 2024

Angela Pourtabib
Certified Shorthand Reporter
CSR No. 13714, RPR

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